

The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON

Phimpha Thepvongsa, et al

Plaintiff,

NO. 2:10-cv-01045-RSL

V.

Regional Trustee Services Corporation; Ocwen
Loan Servicing LLC; Saxon Mortgage
Services, Inc.; Mortgage Electronic
Registration Systems, Inc.; Deutsche Bank
National Trust Company, as Trustee for
Mortgage Stanley ABS Capital I Inc Trust
2007-NC4.

DEFENDANT REGIONAL TRUSTEE
SERVICES CORPORATION'S ANSWER
TO PLAINTIFF'S SECOND AMENDED
COMPLAINT

Defendants

COMES NOW defendant Regional Trustee Services Corporation (“Regional”), by and through its attorneys of record Robinson Tait, P.S., and hereby answers plaintiff’s Second Amended Complaint as follows:

1. **Paragraph 1.1:** Regional does not contest the jurisdiction or venue of this Court.

**ANSWER TO SECOND AMENDED
COMPLAINT - 1**

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1 2. Paragraph 1.2: Admit.

2 3. Paragraph 1.3: Regional admits the facts averred in the first three sentences of
3 paragraph 1.3. As to the fourth sentence, this is a restatement of Plaintiff's claims and does not need
4 to be answered. Regional does not dispute the Court's jurisdiction in this matter.

5 4. Paragraph 1.4: Regional does not possess sufficient knowledge, information, or
6 belief at this time to answer the allegations of this paragraph, and therefore, denies the allegations
7 contained therein.

9 5. Paragraph 1.5: Regional does not possess sufficient knowledge, information, or
10 belief at this time to answer the allegations of this paragraph, and therefore, denies the allegations
11 contained therein.

13 6. Paragraph 1.6: Regional does not possess sufficient knowledge, information, or
14 belief at this time to answer the allegations of this paragraph, and therefore, denies the allegations
15 contained therein.

16 7. Paragraph 1.7: Regional does not possess sufficient knowledge, information, or
17 belief at this time to answer the allegations of this paragraph, and therefore, denies the allegations
18 contained therein.

20 8. Paragraph 2.1: Regional admits the allegations of this paragraph only to the
21 extent that the documents purported to be copies of the original note and three accompanying riders
22 speak for themselves. Regional does not possess sufficient knowledge, information, or belief at this
23 time to answer the allegations of this paragraph, and therefore, denies the allegations contained
24 therein as it was not involved in the loan origination process in any capacity.

26 9. Paragraph 2.2: Regional admits the allegations of this paragraph only to the

28 ANSWER TO SECOND AMENDED
COMPLAINT - 2

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1 extent that the purported copy of the Deed of Trust referred to as "DoT#1" speaks for itself.
2 Regional does not possess sufficient knowledge, information, or belief at this time to answer the
3 allegations of this paragraph, and therefore, denies the allegations contained therein as it was not
4 involved in the loan origination process in any capacity.

5 10. **Paragraph 2.3:** Regional admits the allegations of this paragraph only to the
6 extent that the purported copy of the Assignment of Deed of Trust speaks for itself.
7

8 11. **Paragraph 2.4.1:** Denied.

9 12. **Paragraph 2.4.2:** Regional admits that the Assignment is recorded, but denies that
10 a recorded Assignment of Deed of Trust constitutes a "cloud on title."
11

12 13. **Paragraph 2.4.3:** Regional admits to the extent that the recorded Assignment of
13 Deed of Trust speaks for itself. Regional does not possess sufficient knowledge, information, or
14 belief at this time to answer the allegations contained within the last sentence, and therefore, denies
15 the allegations contained therein as it was not involved in the assignment process in any capacity.
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17 14. **Paragraph 2.4.4:** Regional admits to the extent that the filed court document
18 speaks for itself. Regional does not possess sufficient knowledge, information, or belief at this time
19 to answer the allegations contained within the last sentence, and therefore, denies the allegations
20 contained therein.

21 15. **Paragraph 2.4.5:** Regional admits to the extent that the recorded Assignment of
22 Deed of Trust speaks for itself. Regional does not possess sufficient knowledge, information, or
23 belief at this time to answer the allegations contained within the last sentence, and therefore, denies
24 the allegations contained therein as it was not involved in the assignment process in any capacity.
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26 16. **Paragraph 2.4.6:** Regional does not possess sufficient knowledge, information, or
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28 ANSWER TO SECOND AMENDED
COMPLAINT - 3

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1 belief at this time to answer the allegations of this paragraph, and therefore, denies the allegations
2 contained therein as it was not involved in the loan origination process in any capacity.

3 17. **Paragraph 2.4.7:** Regional does not possess sufficient knowledge, information, or
4 belief at this time to answer the allegations of this paragraph, and therefore, denies the allegations
5 contained therein. To the extent that Plaintiff's conclusions about MERS's admissions in prior
6 litigation are based on the attached documentation, Regional admits insofar as the court files speak
7 for themselves.

8 18. **Paragraph 2.4.8:** Regional does not possess sufficient knowledge, information, or
9 belief at this time to answer the allegations of this paragraph, and therefore, denies the allegations
10 contained therein.

11 19. **Paragraph 2.4.9:** Regional denies the legal conclusions contained in this
12 paragraph. As to the factual allegations, Regional does not possess sufficient knowledge,
13 information, or belief at this time to answer the allegations of this paragraph, and therefore, denies
14 the allegations contained therein.

15 20. **Paragraph 2.5:** Admit insofar as the recorded Appointment of Successor
16 Trustee speaks for itself.

17 21. **Paragraph 2.5.1:** Admit insofar as the recorded Appointment of Successor
18 Trustee speaks for itself.

19 22. **Paragraph 2.5.2:** As to the first sentence, Regional admits insofar as the
20 referenced document speaks for itself. As to the second sentence, Regional denies insofar as the
21 Affidavit of Possession of Note was issued before the Appointment of Successor Trustee. Regional
22 is entitled to rely on this Affidavit under Washington law.

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28 ANSWER TO SECOND AMENDED
COMPLAINT - 4

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23. **Paragraph 2.5.3:** Regional incorporates its answers to Paragraphs 2.3 and 2.4 and subparagraphs. With respect to all but the last sentence, Regional does not possess sufficient knowledge, information, or belief at this time to answer the allegations of this paragraph, and therefore, denies the allegations contained therein. As to the last sentence, which is a statement of law, Regional is not required to answer.

24. **Paragraph 2.5.4:** Regional admits the allegations in the first sentence insofar as the referenced document speaks for itself. As to the last sentence, Regional does not possess sufficient knowledge, information, or belief at this time to answer the allegations of this paragraph, and therefore, denies the allegations contained therein.

25. **Paragraph 2.5.5:** Regional admits the allegations in the first sentence insofar as the referenced document speaks for itself. As to the last sentence, Regional does not possess sufficient knowledge, information, or belief at this time to answer the allegations of this paragraph, and therefore, denies the allegations contained therein.

26. **Paragraph 2.5.6:** Regional admits the allegations contained herein insofar as the referenced document (deposition transcript of Scott Walter) speaks for itself.

27. Paragraph 2.6.1: Admit.

28. Paragraph 2.6.2: Admit.

29. Paragraph 2.6.3: Admit.

30. **Paragraph 2.6.4:** Regional incorporates its answers to paragraphs 2.2 through 2.4 above. Regional denies that it recited a false factual statement on NoT #1.

31. **Paragraph 2.6.5:** As to the first sentence, Regional admits insofar as the document speaks for itself. As to the second sentence, Regional denies that the “Beneficiary

**ANSWER TO SECOND AMENDED
COMPLAINT - 5**

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1 Advances" have not been explained to Plaintiff, and admit that Plaintiff requested an explanation
2 and accounting. As to the fourth and fifth sentences, Regional denies. As to the last sentence,
3 which appears to be a legal conclusion, Regional is not required to answer.

4 32. Paragraph 2.6.6: Admit.

5 33. Paragraph 2.6.7: As to the allegations regarding the NoT#1, Regional admits
6 insofar and the document speaks for itself. As to the remainder of the allegations herein, Regional
7 admits with the following clarification based on information provided by Defendant Saxon: the
8 monthly payments due include both principal and interest (\$1,871.52) along with escrow payments
9 every month. The escrow payment in June, 2008 was \$280.40 which, when added to the principal
10 and interest amount, brings the total monthly payment to \$2,151.92 for that month. Thereafter, the
11 escrow payments amounted to \$351.05, resulting in a monthly payment of \$2,222.57.

12 34. Paragraph 2.6.8: As to the allegations regarding the NoT#1, Regional admits
13 insofar and the document speaks for itself. As to the remainder of the allegations herein, Regional
14 does not possess sufficient knowledge, information, or belief at this time to answer the allegations of
15 this paragraph, and therefore, denies the allegations contained therein.

16 35. Paragraph 2.6.9: Admit.

17 36. Paragraph 2.7.1: Admit.

18 37. Paragraph 2.7.2: Admit.

19 38. Paragraph 2.7.3: As to the differences between the first and second Notices of
20 Trustee's Sale, Regional admits insofar as the documents speak for themselves. Regional
21 incorporates its answers to paragraphs 2.2 through 2.4 in answer to remainder of the paragraph.

22 39. Paragraph 2.7.4: As to the differences between the first and second Notices of

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28 ANSWER TO SECOND AMENDED
COMPLAINT - 6

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1 Trustee's Sale, Regional admits insofar as the documents speak for themselves. As to the
2 allegations concerning "Beneficiary Advances," Regional incorporates its answer to paragraph 2.6.5
3 above.

4 40. **Paragraph 2.7.5:** As to the differences between the first and second Notices of
5 Trustee's Sale, Regional admits insofar as the documents speak for themselves. As to the remainder
6 of the allegations herein, Regional does not possess sufficient knowledge, information, or belief at
7 this time to answer the allegations of this paragraph, and therefore, denies the allegations contained
8 therein.

9 41. **Paragraph 2.7.6:** Admit.

10 42. **Paragraph 2.8.1:** Regional does not possess sufficient knowledge, information, or
11 belief at this time to answer the allegations of this paragraph, and therefore, cannot admit or deny the
12 allegations contained therein.

13 43. **Paragraph 2.8.2:** As to Plaintiff's actions, Regional does not possess sufficient
14 knowledge, information, or belief at this time to answer the allegations of this paragraph, and
15 therefore, cannot admit or deny the allegations contained therein.

16 44. **Paragraph 2.8.2.1:** Admit insofar as the documents speak for themselves.

17 45. **Paragraph 2.8.2.2:** As to the allegations regarding Ocwen's responsive letter,
18 Regional admits insofar and the document speaks for itself, although the letter is hearsay and it has
19 yet to be authenticated. As to the remainder of the allegations, Regional does not possess sufficient
20 knowledge, information, or belief at this time to answer the allegations of this paragraph, and
21 therefore, cannot admit or deny the allegations contained therein. As to the last sentence
22 specifically, Regional has provided Plaintiff with a copy of the Affidavit of Possession of Note
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28 ANSWER TO SECOND AMENDED
COMPLAINT - 7

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1 declaring that Defendant Deutsche Bank National Trust Company, as Trustee for Morgan Stanley
2 ABS Capital I Inc., MSAC 2007-NC4 is in possession of the original Note.

3 46. **Paragraph 2.8.2.3:** Regional does not possess sufficient knowledge, information, or
4 belief at this time to answer the allegations of this paragraph, and therefore, cannot admit or deny the
5 allegations contained therein.
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7 47. **Paragraph 2.8.2.4:** Admit.

8 48. **Paragraph 2.9:** Regional does not possess sufficient knowledge, information, or
9 belief at this time to answer the allegations of this paragraph, and therefore, cannot admit or deny the
10 allegations contained therein.
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12 49. **Paragraph 2.9.1:** Regional does not possess sufficient knowledge, information, or
13 belief at this time to answer the allegations of this paragraph, and therefore, cannot admit or deny the
14 allegations contained therein.
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16 50. **Paragraph 2.9.2:** Regional does not possess sufficient knowledge, information, or
17 belief at this time to answer the allegations of this paragraph, and therefore, cannot admit or deny the
18 allegations contained therein.
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20 51. **Paragraph 2.9.3:** Regional does not possess sufficient knowledge, information, or
21 belief at this time to answer the allegations of this paragraph, and therefore, cannot admit or deny the
22 allegations contained therein.
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24 52. **Paragraph 2.9.4:** Regional does not possess sufficient knowledge, information, or
25 belief at this time to answer the allegations of this paragraph, and therefore, cannot admit or deny the
26 allegations contained therein.
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28 53. **Paragraph 2.9.5:** Regional does not possess sufficient knowledge, information, or
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ANSWER TO SECOND AMENDED
COMPLAINT - 8

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belief at this time to answer the allegations of this paragraph, and therefore, cannot admit or deny the allegations contained therein.

54. **Paragraph 2.9.6:** As to the referenced document, the Saxon letter, Regional admits to the extent that the document speaks for itself, although the contents are hearsay and the document has yet to be authenticated. Regional does not possess sufficient knowledge, information, or belief at this time to answer the allegations of this paragraph, and therefore, cannot admit or deny the allegations contained therein.

55. **Paragraph 2.9.7:** Regional does not possess sufficient knowledge, information, or belief at this time to answer the allegations of this paragraph, and therefore, cannot admit or deny the allegations contained therein.

56. **Paragraph 2.9.7.1:** Regional does not possess sufficient knowledge, information, or belief at this time to answer the allegations of this paragraph, and therefore, cannot admit or deny the allegations contained therein.

57. **Paragraph 2.9.7.2:** Regional does not possess sufficient knowledge, information, or belief at this time to answer the allegations of this paragraph, and therefore, cannot admit or deny the allegations contained therein.

58. **Paragraph 2.9.7.3:** Regional does not possess sufficient knowledge, information, or belief at this time to answer the allegations of this paragraph, and therefore, cannot admit or deny the allegations contained therein.

59. **Paragraph 2.9.8:** Regional does not possess sufficient knowledge, information, or belief at this time to answer the allegations of this paragraph, and therefore, cannot admit or deny the allegations contained therein.

**ANSWER TO SECOND AMENDED
COMPLAINT - 9**

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60. **Paragraph 2.9.8.1:** Regional does not possess sufficient knowledge, information, or belief at this time to answer the allegations of this paragraph, and therefore, cannot admit or deny the allegations contained therein.

61. **Paragraph 2.9.8.2:** Regional does not possess sufficient knowledge, information, or belief at this time to answer the allegations of this paragraph, and therefore, cannot admit or deny the allegations contained therein. The last sentence seems to be a legal conclusion to which no answer is required.

62. **Paragraph 2.9.9:** These are conclusions of law and legal allegations not directed at Regional. Thus, Regional is not required to answer. If an answer is necessary, Regional does not possess sufficient knowledge, information, or belief at this time to answer the allegations of this paragraph, and therefore, denies the allegations contained therein.

63. **Paragraph 2.9.10:** Regional does not possess sufficient knowledge, information, or belief at this time to answer the allegations of this paragraph, and therefore, cannot admit or deny the allegations contained therein.

64. **Paragraph 2.9.10.1:** This is a conclusion of law and a legal allegation made against other defendants and not directed at Regional. Thus, Regional is not required to answer. If an answer is necessary, Regional does not possess sufficient knowledge, information, or belief at this time to answer the allegations of this paragraph, and therefore, denies the allegations contained therein.

65. **Paragraph 2.9.10.2:** This is a conclusion of law and a legal allegation made against other defendants and not directed at Regional. Thus, Regional is not required to answer. If an answer is necessary, Regional does not possess sufficient knowledge, information, or belief at this

**ANSWER TO SECOND AMENDED
COMPLAINT - 10**

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1 time to answer the allegations of this paragraph, and therefore, denies the allegations contained
2 therein.

3 66. **Paragraph 2.9.10.3:** This is a conclusion of law and a legal allegation made against
4 other defendants and not directed at Regional. Thus, Regional is not required to answer. If an
5 answer is necessary, Regional does not possess sufficient knowledge, information, or belief at this
6 time to answer the allegations of this paragraph, and therefore, denies the allegations contained
7 therein.

8 67. **Paragraph 2.9.10.4:** This is a conclusion of law and a legal allegation made against
9 other defendants and not directed at Regional. Thus, Regional is not required to answer. If an
10 answer is necessary, Regional does not possess sufficient knowledge, information, or belief at this
11 time to answer the allegations of this paragraph, and therefore, denies the allegations contained
12 therein.

13 68. **Paragraph 2.9.10.5:** This is a conclusion of law and a legal allegation made against
14 other defendants and not directed at Regional. Thus, Regional is not required to answer. If an
15 answer is necessary, Regional does not possess sufficient knowledge, information, or belief at this
16 time to answer the allegations of this paragraph, and therefore, denies the allegations contained
17 therein..

18 69. **Paragraph 2.10:** This is a conclusion of law and a legal allegation made against
19 other defendants and not directed at Regional. Thus, Regional is not required to answer. If an
20 answer is necessary, Regional does not possess sufficient knowledge, information, or belief at this
21 time to answer the allegations of this paragraph, and therefore, denies the allegations contained
22 therein.

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28 ANSWER TO SECOND AMENDED
COMPLAINT - 11

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70. **Paragraph 2.11.1:** Regional does not possess sufficient knowledge, information, or belief at this time to answer the allegations of this paragraph, and therefore, denies the allegations contained therein.

71. **Paragraph 2.11.2:** This is a conclusion of law and a legal allegation made against other defendants and not directed at Regional. Thus, Regional is not required to answer. If an answer is necessary, Regional does not possess sufficient knowledge, information, or belief at this time to answer the allegations of this paragraph, and therefore, denies the allegations contained therein.

72. **Paragraph 2.11.3:** To the extent that the paragraph references publically filed documents, Regional admits insofar as the filed documents speak for themselves. As to the rest, Regional does not possess sufficient knowledge, information, or belief at this time to answer the allegations of this paragraph, and therefore, cannot admit or deny the allegations contained therein.

73. **Paragraph 2.11.3.1:** To the extent that the paragraph references publically filed documents, Regional admits insofar as the filed documents speak for themselves. As to the rest, Regional does not possess sufficient knowledge, information, or belief at this time to answer the allegations of this paragraph, and therefore, cannot admit or deny the allegations contained therein.

74. **Paragraph 2.11.3.2:** To the extent that the paragraph references publically filed documents, Regional admits insofar as the filed documents speak for themselves. As to the rest, Regional does not possess sufficient knowledge, information, or belief at this time to answer the allegations of this paragraph, and therefore, cannot admit or deny the allegations contained therein.

75. **Paragraph 2.11.3.3:** To the extent that the paragraph references publically filed documents, Regional admits insofar as the filed documents speak for themselves. As to the rest,

**ANSWER TO SECOND AMENDED
COMPLAINT - 12**

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1 Regional does not possess sufficient knowledge, information, or belief at this time to answer the
2 allegations of this paragraph, and therefore, cannot admit or deny the allegations contained therein.

3 76. **Paragraph 2.11.3.4:** Regional is not required to answer this exposition of Plaintiff's
4 legal theory. Moreover, Regional does not possess sufficient knowledge, information, or belief at
5 this time to answer the allegations of this paragraph, and therefore, cannot admit or deny the
6 allegations contained therein.
7

8 77. **Paragraph 2.12.1:** Regional does not possess sufficient knowledge, information, or
9 belief at this time to answer the allegations of this paragraph, and therefore, cannot admit or deny the
10 allegations contained therein.
11

12 78. **Paragraph 2.12.2:** To the extent Plaintiff references the pooling and servicing
13 agreement, Regional admits only insofar as the purported document speaks for itself though it has
14 yet to be authenticated. As to the rest, Regional does not possess sufficient knowledge, information,
15 or belief at this time to answer the allegations of this paragraph, and therefore, cannot admit or deny
16 the allegations contained therein.
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18 79. **Paragraph 2.12.3:** The phrase "strict compliance" seems to be a legal conclusion,
19 which Regional is not required to answer. Moreover, Regional does not possess sufficient
20 knowledge, information, or belief at this time to answer the allegations of this paragraph, and
21 therefore, cannot admit or deny the allegations contained therein.
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23 80. **Paragraph 2.12.4:** To the extent Plaintiff references the pooling and servicing
24 agreement already referenced, Regional admits only insofar as the purported document speaks for
25 itself though it has yet to be authenticated. As to the rest, Regional does not possess sufficient
26 knowledge, information, or belief at this time to answer the allegations of this paragraph, and
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28 ANSWER TO SECOND AMENDED
COMPLAINT - 13

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1 therefore, cannot admit or deny the allegations contained therein.

2 81. Paragraph 2.12.5 [Misnumbered in Complaint as 2.12.4]: Regional does not
3 possess sufficient knowledge, information, or belief at this time to answer the allegations of this
4 paragraph, and therefore, cannot admit or deny the allegations contained therein. Should an answer
5 be required, Regional admits that it had not seen any responsive documents to Plaintiff's requests at
6 the time Regional cancelled the trustee sale.
7

8 82. Paragraph 2.12.6 [Misnumbered in Complaint as 2.12.5]: Regional admits
9 only to the extent that the documents filed with the Court speak for themselves.

10 83. Paragraph 2.12.7 [Misnumbered in Complaint as 2.12.6]: Regional does not
11 possess sufficient knowledge, information, or belief at this time to answer the allegations of this
12 paragraph, and therefore, cannot admit or deny the allegations contained therein.
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14 84. Paragraph 2.12.8 [Misnumbered in Complaint as 2.12.7]: This appears to be
15 a recital of Plaintiff's legal theory. Thus, Regional is not required to answer. Nonetheless, Regional
16 provided Plaintiff with the Affidavit of Possession of Note as indicated in answer to paragraph
17 2.8.2.2 above.
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19 85. Paragraph 2.13.1: This is a recital of Plaintiff's request for documentary proof,
20 and no answer is required.

21 86. Paragraph 2.13.2: This paragraph is in the nature of a request for production, and
22 not a factual allegation. Regional is not required to answer.
23

24 87. Paragraph 2.13.3: This paragraph is in the nature of a request for production, and
25 not a factual allegation. Regional is not required to answer.
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27 88. Paragraph 2.13.3.1: This paragraph is in the nature of a request for production, and
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ANSWER TO SECOND AMENDED
COMPLAINT - 14

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1 not a factual allegation. Regional is not required to answer.

2 99. **Paragraph 2.13.3.2:** This paragraph is in the nature of a request for production, and
3 not a factual allegation. Regional is not required to answer. Nonetheless, Regional provided
4 Plaintiff with the Affidavit of Possession of Note as indicated in answer to paragraph 2.8.2.2 above.

5 100. **Paragraph 3.1.1:** Regional incorporates its answers to paragraphs 1.1 through
6 2.13.

7 101. **Paragraph 3.1.2:** As to the claim that Regional violated RCW 61.24 et seq.,
8 Regional Denies. As to the “warnings” by Attorney General McKenna, Regional admits insofar as
9 the attached document (Plaintiff’s Exhibit 2AC12) speaks for itself, though it is hearsay and has yet
10 to be authenticated.

11 102. **Paragraph 3.1.2.1:** As to the “warnings” by Attorney General McKenna, Regional
12 admits insofar as the attached document (Plaintiff’s Exhibit 2AC12) speaks for itself, though it is
13 hearsay and has yet to be authenticated.

14 103. **Paragraph 3.1.2.2:** Denied.

15 104. **Paragraph 3.1.3:** Denied. Regional provided Plaintiff with the Affidavit of
16 Possession of Note as indicated in answer to paragraph 2.8.2.2 above.

17 105. **Paragraph 3.1.4:** As to the “warnings” by Attorney General McKenna, Regional
18 admits insofar as the attached document (Plaintiff’s Exhibit 2AC12) speaks for itself, though it is
19 hearsay and has yet to be authenticated. As to the rest, Regional denies.

20 106. **Paragraph 3.1.5:** This is a recitation of Plaintiff’s legal theory, and Regional is
21 not required to answer.

22 107. **Paragraph 3.2:** This paragraph and subparagraphs direct a claim for relief

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28 ANSWER TO SECOND AMENDED
COMPLAINT - 15

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against another defendant. Thus, Regional is not required to answer.

98. **Paragraph 3.3:** Regional is not liable to Plaintiff and does not owe Plaintiff any damages because Regional did not violate RCW 61.24 et seq.

99. **Paragraph 3.4.1:** Regional incorporates its answers to paragraphs 1.1 through 2.13 above.

100. **Paragraph 3.4.2:** Regional did not violate 12 U.S.C. § 2607(b) as it transcribed the beneficiary advances as reported to it by the foreclosing financial institution. Regional took no part in accruing the beneficiary advances.

101. **Paragraph 3.4.3:** Regional did not violate 12 U.S.C. § 2607(b) as it transcribed the beneficiary advances as reported to it by the foreclosing financial institution. Regional took no part in accruing or charging the beneficiary advances.

102. **Paragraph 3.4.4:** This paragraph directs a claim for relief against another defendant. Thus, Regional is not required to answer.

103. **Paragraph 3.4.5:** This paragraph directs a claim for relief against another defendant. Thus, Regional is not required to answer.

104. **Paragraph 3.4.6:** This paragraph directs a claim for relief against another defendant. Thus, Regional is not required to answer.

105. **Paragraph 3.4.7:** This paragraph directs a claim for relief against another defendant. Thus, Regional is not required to answer.

106. **Paragraph 3.5.1:** Regional denies that it is liable to Plaintiff for damages of any kind under 12 U.S.C. § 2605 or § 2607.

107. **Paragraph 3.6.1:** Regional incorporates its answers to Paragraphs 1.1 through

ANSWER TO SECOND AMENDED
COMPLAINT - 16

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1 2.13.

2 108. **Paragraph 3.6.2:** Regional denies it is a debt collector as it is defined by the
3 courts of the 9th Circuit. Regional denies that it violated 15 U.S.C. § 1692. Regional ceased
4 foreclosure activities when it did not receive and did not see any responses to Plaintiff's dispute and
5 validation letters.

6 109. **Paragraph 3.6.3:** This paragraph directs a claim for relief against another
7 defendant. Thus, Regional is not required to answer.

8 110. **Paragraph 3.6.4:** This paragraph directs a claim for relief against another
9 defendant. Thus, Regional is not required to answer.

10 111. **Paragraph 3.6.5:** Regional denies that it is liable to Plaintiff for damages of any
11 under 15 U.S.C. § 1692 et seq.

12 112. **Paragraph 3.7:** This paragraph directs a claim for relief against another
13 defendant. Thus, Regional is not required to answer.

14 113. **Paragraph 3.8.1:** Regional incorporates its answers to paragraphs 1.1 through
15 2.13 above.

16 114. **Paragraph 3.8.2:** Regional denies that it violated the Washington Consumer
17 Protection Act (CPA). The last sentence of this paragraph is a restatement of law, and requires no
18 answer from Regional.

19 115. **Paragraph 3.8.2.1:** Regional denies generally that it conducted unfair or deceptive
20 acts.

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28 ANSWER TO SECOND AMENDED
COMPLAINT - 17

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1 116. **Paragraph 3.8.2.2:** This paragraph appears to be a restatement of the law and thus
2 no answer is required. To the extent one is required, RCW 19.86.010 and the interpreting case law
3 speak for themselves.

4 117. **Paragraph 3.8.2.3:** Regional admits insofar as the content of its web site and
5 advertising and marketing materials speak for themselves. As for the rest, Regional denies generally
6 that it acted in bad faith.

7 118. **Paragraph 3.9.1:** Regional denies that it is liable to Plaintiff for damages of any
8 kind under RCW 19.86 et seq.

9 119. **Paragraph 3.9.2:** Regional denies that it is liable to Plaintiff for damages of any
10 kind under RCW 19.86 et seq.

11 120. **Paragraph 3.10:** This paragraph directs a claim for relief against another
12 defendant. Thus, Regional is not required to answer. Moreover, this claim is moot as Regional is no
13 longer conducting a foreclosure on the subject property.

14 121. **Paragraph 3.11:** This paragraph directs a claim for relief against another
15 defendant. Thus, Regional is not required to answer. Moreover, this claim is moot as Regional is no
16 longer conducting a foreclosure on the subject property.

17 122. **Paragraph 3.12:** This paragraph and subparagraphs direct a claim for relief
18 against another defendant. Thus, Regional is not required to answer. Regional denies to the extent
19 that this paragraph is a recitation of Plaintiff's legal theory without a claim stated therein. Regional
20 incorporates its answers to paragraphs 1.1 through 2.13 above. Regional has provided Plaintiff with a
21 copy of the Affidavit of Possession of Note indicating Deutsche Bank National Trust Company, as
22 Trustee for Morgan Stanley ABS Capital I Inc., MSAC 2007-NC4.

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28 ANSWER TO SECOND AMENDED
COMPLAINT - 18

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123. **Paragraph 3.13:** This paragraph purports to direct a claim for relief against another defendant. Thus, Regional is not required to answer. Regional denies to the extent that this paragraph is a recitation of Plaintiff's legal theory without a claim stated therein.

124. **Paragraph 3.14:** This paragraph directs a claim for relief against another defendant. Thus, Regional is not required to answer.

125. **Paragraph 3.15:** Regional denies that Plaintiff is entitled to declaratory relief against it. Moreover, a claim for declaratory relief voiding Regional's "actions" is unnecessary as notices of trustee's sale expire on their own terms per RCW 61.24 et seq. Additionally, this claim is moot as to Regional because it has cancelled the trustee's sale and is no longer the trustee.

126. **Paragraph 3.16:** As regards this paragraph and all subparagraphs, Regional
denies that Plaintiff is entitled to injunctive relief against Regional. A claim for permanent injunction
is moot as to Regional because it has cancelled the trustee's sale and is no longer the trustee.

LEAVE TO AMEND

The above answers are based on the facts currently known to Regional. Regional Defendants reserve the right to amend their answers based on facts later discovered, pled or offered.

AFFIRMATIVE DEFENSES

As and for the affirmative defenses to the claims in Plaintiff's complaint, and based on the knowledge available to them to date, Answering Defendants alleges as follows:

FIRST AFFIRMATIVE DEFENSE

Plaintiff's Complaint fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

**ANSWER TO SECOND AMENDED
COMPLAINT - 19**

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Plaintiff's Complaint and each cause of action therein may be barred, in whole or in part, to the extent Plaintiff has waived or are estopped from, or are barred by the doctrine of laches from, asserting such causes of action.

THIRD AFFIRMATIVE DEFENSE

Plaintiff's damages, if any, are the result of Plaintiff's own acts or omissions in failing to take reasonable steps to protect his own interest.

FOURTH AFFIRMATIVE DEFENSE

Plaintiff's damages, if any, are the result of third parties over which Answering Defendants have no control.

FIFTH AFFIRMATIVE DEFENSE

Plaintiff has failed to mitigate their damages, if any.

SIXTH AFFIRMATIVE DEFENSE

Regional complied with all applicable foreclosure statutes and regulations.

**RESERVATION OF COUNTERCLAIMS/CROSS-CLAIMS
AND THIRD-PARTY CLAIMS**

Answering Defendants reserves the right to amend their answers, raise additional affirmative defenses and/or bring cross-claims, counter-claims, and third-party claims based on facts later discovered, pled, or offered.

PRAYER FOR RELIEF

WHEREFORE, Answering Defendants pray for relief as follows:

1. Plaintiff takes nothing by way of their Complaint;
 2. Dismissal of the Plaintiff's Complaint with prejudice;

**ANSWER TO SECOND AMENDED
COMPLAINT - 20**

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- 1 3. An award of fees and costs incurred in defending this action; and,
2 5. Such other relief as the Court deems just and equitable.
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DATED this 6th day of December, 2011.

7 */s/ Nicolas A. Daluiso*
8 Nicolas A. Daluiso, #23505
9 Ryan M. Carson, #41057
10 Attorneys for Regional Trustee
11 Services Corporation
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ANSWER TO SECOND AMENDED
COMPLAINT - 21

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710 Second Avenue, Suite 710
Seattle WA 98104
(206) 676-9640